Supreme Court, U.S.
FILED

(1)

No. 961091 JAN , 2 1997

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

In The

October Term, 1996

Charles E. Saunders

Petitioner

v.

United States of America

And

William J. Clinton, President and Chief Executive Officer

Respondents

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Charles E. Saunders
Petitioner, pro se
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35 pp

Questions Presented For Federal Question Certification Pursuant to 28 U.S.C. ¶1254(A)

1. Is there a provision anywhere in the Constitution of the United States which empowers an Article III court to promulgate and confer sovereign immunity upon the Government of the United States and/or absolute immunity upon any government official except Article I, section 6, of the original constitution which applies solely to members of the Congress?

2. Are the doctrines of sovereign immunity and/or absolute immunity constitutionally null and void unless the First Amendment is amended otherwise in accord with Article V of the original constitution?

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List of Parties To This Proceeding

Pursuant to Rule 14.1(b) of the Rules of the Supreme Court of the United States, the petitioner files this certificate as to parties and others who may have an interest in the outcome of this case:

Parties

Petitioner is Charles E. Saunders, plaintiff in the District Court and the appellant on appeal. Respondents, defendants in the District Court and appellees on appeal, are the United States of America and William J. Clinton, President and Chief Executive Officer.

The Honorable Janet Reno, Attorney General of the United States; The Honorable Drew S. Days, 111, Solicitor General, United States Department of Justice; Eric Hl Holder, Jr., Esq., United States Attorney for the District of Columbia; and Bruce R. Hegyi, Esq., Assistant United States Attorney, attorney of record for the respondents may also have an interest in the outcome of this case.

Opinions Below

On May 3, 1996, the District Court "ORDERED, [A-1] that defendants' motion to Dismiss, or Alternatively, For Summary Judgment be, and hereby is, GRANTED and plaintiff's Complaint is hereby DISMISSED WITH PREJUDICE; and it is FURTHER ORDERED that plaintiff ENJOINED from filing any other or further actions in this District without having sought and obtained special leave of

this Court to file such other or further action, without prior special leave of this Court having been granted." In another ORDER [A-2] of the same date, the District Court "Upon consideration of plaintiff's Motion for Summary Judgment, defendants' Opposition thereto, and the papers on file herein, the Court is of the opinion and finds that the Motion is not well-taken, and should be denied. It is therefore, this 3d day of May, 1996, ORDERED that plaintiff's Motion for Summary Judgment be, and hereby is, in all things, DENIED." In an order [A-3] issued May 15, 1996, the District Court "ORDERED that Plaintiff's Motion for Rule 11 Sanctions be, and hereby is, in all things DENIED."

Statutory Provisions

The jurisdiction of the Supreme Court of the United States is conferred by 28 U.S.C. ¶1254(a)[1] and/or 28 U.S.C. ¶2101(e)[2] to review cases in the courts of appeals by writ of certiorari upon the petition of any party of any civil case before or after rendition of judgment or decree.

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[1]28 U.S.C. ¶1254(a) -- Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

[2]28 U.S.C. ¶2101(e) -- An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

Constitutional Provisions

Article V of the Constitution of the United States reads as follows:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, a Part of this Constitution, when ratified by the Legislature of three fourths thereof, as the one other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Amendment I to the Constitution of the United States reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Statement of the Case

This case evolves from a massive racially motivated conspiracy involving officers, agents, and/or employees of various and sundry departments and agencies of the United

States Government. This conspiracy was originally initiated as result of the petitioner's "whistle-blowing" activities concerning racial discrimination in the United States Air Force prior to the petitioner's retirement from active duty in July of 1975.

For the past twenty-six years the petitioner has lived an incredible but well-documented saga of a continuous and uninterrupted racially motivated political persecution by certain known and other unknown officers, agents and/or employees of the Department of the Air Force, Small Business Administration, General Services Administration, Internal Revenue Service, United States Postal Service, Department of Labor, and on more than one occasion even by the federal judiciary.

This action is brought by the petitioner seeking redress for the United States Government's unconstitutional withholding and denial of the petitioner's rights and privileges of American citizenship conferred upon the petitioner pursuant to the Fourteenth Amendment to the Constitution of the United States. The United States Government violated rights and privileges irrevocably conferred upon the petitioner pursuant to the First, Fifth and Eighth Amendments to the Constitution of the United States as well as the statutory rights inured to the petitioner pursuant to 42 U.S.C. ¶¶1983, 1985, and 1986 in a civil rights lawsuit brought against former President George H.

W. Bush and certain officials in the United States Department of Labor.

The petitioner charges in this action that President William J. Clinton and the current justices of the Supreme Court of the United States, individually and collectively, directly contributed to the continuous and uninterrupted constitutional injuries being suffered by the petitioner.

Jurisdiction in Court of First Instance

The United States District Court for the District of Columbia had jurisdiction pursuant to 28 U.S.C. ¶¶1331 and 1343 to adjudicate all relevant facts and issues of this action.

Reasons For Granting Writ

The petitioner, Charles E. Saunders, petitions the Supreme Court of the United States, pursuant to 28 U.S.C. ¶1254(a), to grant and issue a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit for certification of two federal questions in this cause of action which is now pending adjudication in that Court.

The petitioner has no other adequate means to obtain the relief he seeks absent an adjudication of the constitutional validity of the judicially created doctrines of sovereign immunity and/or absolute immunity which are so routinely conferred upon the Government of the United States and federal government officials by Article III courts.

The district court's order is clearly erroneous as a matter of law and it was intentionally crafted to subject an

non-lawyer pro se litigant to a nonsensical foot dragging appellate review which compounds injustice with further injustice.

The Supreme Court of the United States has developed a series of rules under which Article III courts have avoided passing upon a large part of all constitutional questions pressed upon them for decision. For example, with reference to the rule forbidding decision of properly presented constitutional questions if the case may be disposed of on another ground; "Thus, if a case can be decided one either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter." **Rescue Army v. Municipal Court**, 331 U.S. 549, 569(1946). When such alternatives are absent an Article III court cannot escape ruling on a properly presented constitutional question. An adjudication of both of these substantive issues are imperative to any fair and just final decision of the petitioner's civil rights lawsuit.

The petitioner, as a statutory right inured by 28 U.S.C. ¶1254(a) petitions the Supreme Court of the United States for certification of the two following federal questions:

1. Is there a provision anywhere in the Constitution of the United States which empowers an Article III court to promulgate and confer sovereign immunity upon the

Government of the United States and/or absolute immunity upon any government official except Article I, section 6, of the original constitution which applies solely to members of the Congress?

2. Are the doctrines of sovereign immunity and/or absolute immunity constitutionally null and void unless the First Amendment is amended otherwise in accord with Article V of the original constitution?

These are issues of material fact which illustrate the corrupt exercise of judicial power by the district court to obstruct the petitioner's substantive constitutional claims for judicial relief. "[W]hen questions of jurisdiction have been passed on in prior decisions sub silento, this Court has never considered itself bound when a subsequent case finally brings the jurisdictional issue before us." **Franklin v. Massachusetts**, 505 U.S. 788, 820, n.4(1992) citing **Pennhurst State School and Hospital v. Halderman**, 465 U.S. 89, 119(1984) (quoting) **Hagans v. Lavine**, 415 U.S. 528, 533, n.5(1974).

The constitutional questions of sovereign immunity and absolute immunity were drawn into issue as a jurisdictional bar to the litigation of the petitioner's civil rights lawsuit against the United States of America and President William J. Clinton in the Government (Defendants) Appellee's motion to dismiss, or alternatively, for summary judgment.

The petitioner filed a dispositive motion, opposing the Government (Defendants) Appellee's motion to dismiss, or alternatively, for summary judgment, which challenged the constitutional validity of the judicially created doctrines of sovereign immunity and/or absolute immunity. In that dispositive motion the petitioner also challenged the constitutional power and authority of any Article III court, including the Supreme Court of the United States itself, to judicially promulgate the doctrines of sovereign immunity and/or absolute immunity in contravention of the Petition Clause of the First Amendment to the Constitution of the United States.

The petitioner proffered evidence in the form of an affidavit (which fulfilled the Rule 11 requirements of an attorney or pro se litigant and Rule 56 requirements of an opponent to a summary judgment motion) based upon a personal knowledge of the facts stated therein. The petitioner's affidavit was, as a matter of law, sufficient to withstand the Government (Defendants) Appellee's motion for summary judgment.

The district court employed an incomprehensible standard more stringent than that required by Rule 56 of the Federal Rules of Civil Procedure (Fed. R. Civ. P.) to grant summary judgment in favor of the Government (Defendants) Appellees. It is an absolutely preposterous judicial fiat beyond any conceivable comprehension of Rule

56 for the district court to grant summary judgment in favor of the Government (Defendants) Appellees. Rule 56 of the Fed. R. Civ. P. is subject to the injunction of Rule 1, that it "be construed to secure the just, speedy, and inexpensive determination of every action." The district court's obstinate refusal to render a judicial determination of the threshold issue before it clearly illustrates the constitutionally repugnant abuse of judicial discretion by the district court as well as the circuit court of appeals in the light of appellate review of more complex appeals filed and calendared in the Court of Appeals subsequent to the petitioner's appeal, i.e., **Swan v. Clinton, et al.**, No. 96-5193. Slip Op. at (in the D.C. Cir., November 22, 1996).

There has been a distinguishable pattern and consistent practice of judicial departure from stare decisis principles of jurisprudence and the Fed. R. Civ. P. in this case. The record established by the district court clearly illustrates the continuous judicial conspiracy of long standing to punitively deprive the petitioner of his constitutionally protected civil rights.

On August 4, 1994, the petitioner filed a joint petition addressed to William J. Clinton, President of the United States of America; The Honorable William Rehnguist, Chief Justice of the United States; The Honorable Thomas Foley, Speaker of the United States House of Representatives; and Senator George Mitchell,

Majority Leader of the United States Senate.

The petition sought a congressional hearing of the Judicial corruption associated with the petitioner's civil rights lawsuit against former President Bush and officials of the United States Department of Labor as well as the self-imposed or externally influenced censorship of the American news media, both print and electronic. No reply was every received from any of the addressees and it forms the basis of the petitioner's current civil rights lawsuit. **Saunders v. United States of America and William J. Clinton, President and Chief Executive Officer**.

The Petition Clause of the First Amendment was promulgated by the constitutional framers to restrain acts of governmental tyranny upon citizens of the United States of America such as those complained of in the petitioner's civil rights lawsuit. The courts created pursuant to and in accord with Article III of the Constitution of the United States of America and the political propensity of the President(s) who appoints its members with the advise and consent of the Senate, have made a mockery of the Constitution of the United States of America.

The Supreme Court of the United States itself bears a far greater responsibility than either the Congress or the Presidency for the racially polarized political, economic and social discord plaguing the national security interest of the United States at the close of the 20th century. Based upon

the demonstrated past history of the judicial malfeasance of the legal proceedings before them in this case, it is without question that the district court judge deliberately violated the petitioner's constitutional, statutory and procedural rights by unlawfully denying the petitioner's substantive right to a fair and impartial trial by jury.

Since the Government (Defendants) Appellees failed to plead or otherwise defend in the federal courts below, the ultimate issue involved in this case turns on the constitutional power or authority of the Supreme Court of the United States to uphold the doctrines of sovereign immunity and/or absolute immunity. These are very serious and important questions of federal law which has not been, but should be, settled by the Supreme Court of the United States.

Due to the deliberate and callous judicial malfeasance of the district court judge to obstruct justice and punitively deprive the petitioner of substantive due process of law as mandated by the equal protection component of the Due Process Clause of the Fifth Amendment to the Constitution of the United States of America, the extraordinary remedy provided by a writ of certiorari pursuant to 28 U.S.C. ¶1254(a) is the only means available for the petitioner to have a fair and impartial litigation of his constitutional claims.

CONCLUSIONS

Article III courts, especially the Supreme Court of the United States, have created an extraordinary constitutional dilemma which threatens the constitutional patriotism of the American people. The race-driven judicial facades such as those complained of by the petitioner in this case have beyond any reasonable doubt fermented the deep-seated ideological reservoirs which fuel and inspire the chaotic political, economic and social racial polarization still plaguing the United States of America at the close of the 20th century.

For the reasons herein described, the petitioner respectfully prays that the Supreme Court of the United States will grant and issue a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit for federal question certification as authorized pursuant to 28 U.S.C. ¶1254(a).

Respectfully submitted in the service of God my Father, Christ my Redeemer and Man my Brother. May God Bless America.

Charles E Saunders

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES E. SAUNDERS, Plaintiff,	§	
-vs-	§	C.A. No. 95-2357 (SSH)
UNITED STATES OF AMERICA -and-	§	FILED
WILLIAM J. CLINTON, President Defendants.	§	MAY 3 1996
	§	Clerk, U.S. District Court District of Columbia

ORDER

Upon consideration of defendant's Motion To Dismiss, or Alternatively, For Summary of Judgment, Memorandum In Support Thereof, exhibits record herein, the Court is of the opinion and finds that defendant's Motion is well-taken and should be granted. First, the Court must dismiss plaintiff's allegations against President Clinton, because the acts alleged are plainly within the "outer perimeter" of the duties of the chief executive of the Government. See, e.g. Nixon v. Fitzgerald, 457 U.S. 731, 755 (1982) (President enjoys absolute immunity for acts

within the "outer perimeter" of his official responsibility); Saunders v. Bush, 15 F.3d 64, 67 (5th Cir.), cert. denied, _ U.S. _, 114 S.Ct. 2678 (1994) (same).

Second, plaintiff has previously litigated to a conclusion the same allegations brought by him here. [Compare Complaint, ¶¶ (7)-(17) with complaint, ¶¶ (18)-(21); Saunders v. Bush, 15 F.3d at 67] As a result, all of plaintiff's claims are barred by the related doctrines of res judicata and collateral estoppel. **See, e.g., Allen v., McCurry**, 449 U.S. 90, 94 (1980); **United States v. Mendoza**, 464 U.S. 154, 158 (1984); **Montana v. United States**, 440 U.S. 147, 153 (1979); **American Employers Insurance Company v. American Security Bank**, 747 F.2d 1493, 1498 (D.C. Cir. 1984); **Hardison v. Alexander**, 655 F.2d 1281, 1288 (D.C. Cir. 1981); **Nasem v. Brown**, 595 F.2d 801, 806 (D.C. Cir. 1979).

Moreover, even if plaintiff's allegations were not barred by res judicata and collateral estoppel, the Court could not consider his allegations for money damages under the False Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-2680, because

plaintiff has failed to exhaust his administrative remedies and the Court is therefore without jurisdiction over such claims. See 28 U.S.C. §2675(a); **GAF Corp. v. United States**, 818, F.2d 901, 904 and n.86 (D.C. Cir. 1987); **Hohri v. United States**, 782 F.2d 227, 245-46 (D.C. Cir. 1986); reh. denied, 793 F.2d 304 (D.C. cir. 1987); rev'd on other grounds sub nom., **United States v. Hohri**, 107 S.Ct. 2246 (1987).

For all of these independent reasons, the Court is of the opinion and find that plaintiff's Complaint should be dismissed.

In addition, the Court finds that the allegations of plaintiff's Complaint are frivolous, and that plaintiff knew or should have known that they were frivolous at the time he filed and maintained this action. In this regard, the Court finds that plaintiff Saunders, a Texas-resident, has repeatedly been adjudicated a frivolous litigator. In this District, Judge Lamberth dismissed in 1993, as being without merit, Mr. Saunders' claims against Attorney General Reno and others in Saunders v. Reno, 1993 WL 771009 (D.D.C. 1993), summ. aff'd., 1994 WL 541497 (D.C. cir. 1994). In so doing, Judge Lamberth identified Mr.

Saunders as "a pro se plaintiff with a history of bringing frivolous lawsuits...." Id. at 1. moreover, by an Order dated October 5, 1992, of Judge Cummings of the Northern District of Texas in C.A. No. 1-92-CV-049-C, **Charles E. Saunders v. George H. W. Bush, President and Chief Executive Officer of the Government of the United States of America**, imposed Rule 11 sanctions against Mr. Saunders for having commenced and maintained multiple frivolous actions before that Court. In addition to monetary sanctions, based on plaintiff's history of vexatious litigation in that District, Judge Cummings enjoined plaintiff from being "permitted to file . . . any further complaints in this or any other matter in this court unless and until Plaintiff pays, in full, the fines, costs and fees hereby assessed or unless this court grants Plaintiff special leave to file." [**See October 5, 1992 Order**, pages 2-3] That order was affirmed by the Fifth Circuit. **See Saunders v. Bush**, 15 F.3d 64 (5th Cir.), cert. denied, ___ U.S. ___, 114 S.Ct. 2678 (1994).

Apparently unconvinced, on December 22, 1995, Mr. Saunders filed in this District the instant action against the United

States and President Clinton alleging essentially the same facts previously determined by Courts in this Circuit and the Fifth Circuit to be frivolous.

Hence, the Court finds that the interests of judicial economy and justice, as well as principles of comity, require that this Court enjoin plaintiff from filing any other or further actions in this District without having sought and obtained prior special leave of this Court to file such other or further action. It is therefore, this 3rd day of May 1996

ORDERED, that defendants' Motion to Dismiss, or Alternatively, For Summary Judgment be, and hereby is, GRANTED and plaintiff's Complaint is hereby DISMISSED WITH PREJUDICE; and it is

FURTHER ORDERED that plaintiff is ENJOINED from filing any other or further actions in this District without having sought and obtained prior special leave of this Court to file such other or further action, and the Clerk is hereby Ordered not to accept for filing any other or further actions of or by plaintiff Saunders without prior special leave of this Court having been

granted.

Moreover, the Clerk is directed to serve plaintiff Saunders with a copy of this Order by certified mail, return receipt requested

Stanley S. Harris
United States District Judge

Copies to:

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Assistant United States Attorney
555 Fourth Street, N.W.--Room 4108
Washington, D.C. 20001

Charles E. Saunders
5709 89th Street
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES E. SAUNDERS, Plaintiff,	§	
-vs-	§	
	§	C.A. No. 95-2357 (SSH)
UNITED STATES OF AMERICA,	§	**FILED**
-and-	§	
	§	MAY 3 1996
WILLIAM J. CLINTON, President Defendants.	§	**Clerk, U.S. District Court District of Columbia**

ORDER

Upon consideration of plaintiff's Motion for Summary Judgment, defendants' Opposition thereto, and the papers on file herein, the Court is of the opinion and finds that the Motion is not well-taken, and should be denied. It is, therefore, this 3d day of April, 1996

ORDERED that plaintiff's motion for summary judgment be, and hereby is, in all things, DENIED.

Stanley S. Harris
STANLEY S. HARRIS
United States District Judge

Copies to:

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Charles E. Saunders
5709 89th Street
Lubbock, Texas 79424

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES E. SAUNDERS, Plaintiff,	§	
-vs-	§	
	§	C.A. No. 95-2357 (SSH)
UNITED STATES OF AMERICA,	§	**FILED**
-and-	§	
	§	MAY 15 1996
WILLIAM J. CLINTON, President Defendants.	§	**Clerk, U.S. District Court District of Columbia**

ORDER

Upon consideration of plaintiff's Motion For Rule 11 Sanction, defendants' Opposition thereto, and the entire record herein, the Court is of the opinion and finds that Plaintiff's Motion is without merit, and indeed is frivolous, and should be denied. It is, therefore, this 15th day of May, 1996

ORDERED that Plaintiff's Motion For Rule 11 Sanction be, and hereby is, in all things, DENIED.

Stanley S. Harris
STANLEY S. HARRIS
United States District Judge

Copies to:

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APPENDIX

Prescribed by Supreme Court Rule 14(f)

Constitutional Provisions

Article I, Section 6 -- The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from same; and for any speech or debate in either House, they shall not be questioned in any other place.

Amendment V -- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VIII -- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV, Section 1 -- All persons born or naturalized in

the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statutory Provisions

28 U.S.C. ¶1331 -- The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. ¶1343 -- (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of

citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(b) For purposes of this section --

(1) the District of Columbia shall be considered to be a State; and

(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 U.S.C. ¶1983 -- Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person withing the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 U.S.C. ¶1985 -- Conspiracy to interfere with civil rights

(Relevant and pertinent part)

(3) If two or more person in any State or Territory

conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of person of equal protection of the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprive of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. ¶1986 -- Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of

this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act or neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there is no widow, then for the benefit of the next kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Federal Rules of Civil Procedure

Rule 1. -- Scope of Rules

These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in Rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

Rule 11. -- Signing of Pleadings, Motions, and Other Papers; Sanctions

Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall sigh the party's pleading, motion, or other paper and state the party's address. Except when otherwise specifically provided by rule or statute, pleading need not be verified or accompanied by affidavit. The rule in equity that the averments of an answer under oath must be overcome by the testimony of two witnesses or of one witness sustained by corroborating circumstances is abolished. The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that if not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person

who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expense incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

Rule 56. – Summary Judgment

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of 20 days from commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to al or any part thereof.

(c) Motion and proceeding Thereon. The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleading, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party in

entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required; Supporting or opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matter stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court

may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleadings, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

(f) When Affidavits are Unavailable. Should it appear from affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit fact essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or dispositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.